

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

14-MD-2543 (JMF)

This Document Relates To:

ORDER OF DISMISSAL

Eggert v. General Motors LLC, 18-CV-3812

Mistrot v. General Motors LLC, 16-CV-2919
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JESSE M. FURMAN, United States District Judge:

On October 1, 2020, the Court granted the motion by the Potts Law Firm, LLP (the “Firm”) to withdraw from its representation of Steven Eggert. *See* ECF No. 8173 (the “Order”).¹ Pursuant to the Order, Mr. Eggert had ninety days — until December 30, 2020 — to file, in the form of a new lawsuit, an amended and severed complaint as well as a Related Case Statement in the United States District Court for the Southern District of New York, and to pay any filing fee associated with filing a complaint pursuant to 28 U.S.C. § 1914(a). *Id.* ¶ 3. On January 6, 2021, pursuant to Paragraph 5 of the Order, New GM filed a First Notice of Non-Compliance pertaining to the Mr. Eggert’s failure to comply with the Order and requested that the Court dismiss their claims without prejudice. *See* ECF No. 8139.²

In light of the Mr. Eggert’s failure to file an amended and severed complaint by the deadline set in the Order, Mr. Eggert’s claims are hereby DISMISSED *without* prejudice. Per

¹ Unless otherwise noted, all docket references are to 14-MD-2543.

² New GM’s notice indicated that although Mr. Eggert is currently an active plaintiff in *Eggert v. General Motors LLC*, 18-CV-3812, the Firm’s motion to withdraw and subsequent related orders and filings were instead filed in *Mistrot v. General Motors LLC*, 16-CV-2919, where Mr. Eggert was previously a plaintiff prior to filing an amended and severed complaint and commencing the new case. *See* ECF No. 8139, at 1 n.1. In any event, proof of service of the relevant papers on Mr. Eggert has been filed. *See* ECF Nos. 8136, 8175, 8176. That said, all filings relating to Mr. Eggert going forward should be on the MDL docket and in 18-CV-3812.

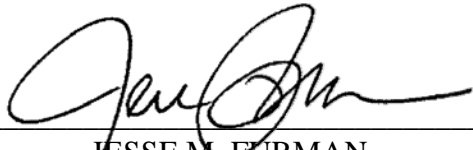
Paragraph 6 of the Order, should Mr. Eggert file an amended and severed complaint, a Related Case Statement, and a filing fee **within the next thirty days**, his dismissal will be vacated. If Mr. Eggert does *not* submit the requisite filings **within the next thirty days**, New GM may move to dismiss his claims with prejudice. *See* Order ¶¶ 5-6.

In light of the process set forth in the Order and above, the Clerk of Court should not terminate Mr. Eggert as a party at this time. The Court will direct the Clerk of Court to do so if or when Mr. Eggert's claims are dismissed with prejudice.

In accordance with the Order, New GM shall serve a copy of this Order on the Affected Plaintiffs and file proof of such service. *See* Order ¶ 5.

SO ORDERED.

Dated: January 7, 2021
New York, New York



JESSE M. FURMAN
United States District Judge